

USPQ2d 1614 (Fed. Cir. 1999) M.P.E.P. 2141.02 cites *W.L. Gore & Associates Inc.* 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), stating that a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from a claimed invention.

As discussed below, the claimed invention is not obvious because the cited combination of references contains no teaching or suggestion of an apparatus containing a retaining threshold where the pyrolyzed waste materials gather and are retained and because the cited combination of references provides no motivation to create such an apparatus. In fact, the newly cited Baraldi reference teaches away from the claimed invention.

In the presently claimed invention the difference in the diameter of the large base of the truncated cone and the cylinder creates a retaining threshold. In the presently-claimed invention, the retaining threshold **11** is where the refuse is subjected to a pyrolysis, reducing the volume of the load and providing a layer of coke which is formed by bringing the refuse constituents in intimate contact with itself while receiving a small amount of oxygen (see page 3, lines 20-28, lines 34-36). The pyrolyzed waste materials gather at the end of the cylinder **9** and are held (retained) against the steep face of the high conicity of region **11** for a period of time sufficient to facilitate the desired reactions. Ultimately, a sufficient amount of waste material accumulates at the retaining threshold such that some spills over the retaining retaining threshold into the cone. Thus, the retaining threshold delays the progress of the waste material through the apparatus.

As recognized by the Examiner in the Office Action of July 31, and the accompanying interview summary, Giraud does not teach or suggest an apparatus containing a retaining threshold resulting from a difference in diameter between the large base of a truncated cone and a cylinder. Accordingly, in the Office Action of July 31, the Examiner withdrew the previous rejection to the claims under 35 U.S.C. § 102(b).

Baraldi et al. does not teach or suggest an apparatus containing a retaining threshold which slows the progress of the waste material through the apparatus. In fact, the disclosure in Baraldi indicates that it is desirable to hasten the progress of the waste material through the apparatus. In the device of Baraldi, the waste material is burned in the incinerator **8** and in the recombustion chamber **26** (see col. 4, lines 41-44). The apparatus disclosed in Baraldi is equipped with various transporting blades **22, 23, 24, 25** which aid the refuse in moving within the apparatus. Specifically, the transporting blades **23** in the connecting tube **6** rapidly move the refuse through the tube to the incineration chamber **8** (see col. 4, lines 7-15; col. 7, lines 4-10). Thus, in the apparatus of Baraldi, the refuse in the connecting tube **6** is not retained, but

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rapidly passed through to the incineration chamber by the aid of the transporting blades 23. This reference is deficient in the fact that it does not teach or suggest "...a region of intimate contact of the waste with itself whereby the waste is converted to coke..." as recited in claims 2 and 17. Thus, Baraldi does not teach or suggest an apparatus containing a retaining threshold and teaches away from the claimed invention.

For the foregoing reasons, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. §103.

II. Conclusion

In view of the foregoing, Applicants respectfully submit the present application is in condition for allowance. If any issues remain that may be addressed by a phone conversation, the Examiner is invited to contact the undersigned at the phone number listed below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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